

Minneapolis City Planning Department Report

Conditional Use Permit, Site Plan Review, Variances BZZ – 666

Date: July 8, 2002

Date Application Deemed Complete: June 12, 2002

End of 60 Day Decision Period: August 11, 2002

Applicant: Kathy Barclay

Address of Property: 3101-03 Oakland Ave.

Contact Person and Phone: Kathy Barclay, 824-2673

Planning Staff and Phone: Jason Wittenberg, 673-2297

Ward: 8 **Neighborhood Organization:** Central Neighborhood Improvement Assn.

Existing Zoning: R2B

Proposed Use: Parking lot

Project Name: All God's Children Metropolitan Community Church

Proposed Variances: Variance to reduce the required corner side yard setback along E. 31st St. from 8 ft. to 2 ft., a variance to reduce the interior side yard setback along the south lot line from 5 ft. to 0 ft. (for a distance of approximately 25 ft.) and a variance to reduce the required rear yard setback along the public alley from 5 ft. to 0 ft., all for a proposed parking lot.

(Please note that there are inaccuracies on the applicant's current site plan. The property lines were originally shown at the edge of the public sidewalks. Staff informed the applicant that, according to the city street ordinance, there is 2.5 feet of public right of way between the public sidewalks and the north and west property lines. These property lines were shifted on the site plan without adjusting the south and east property lines accordingly. The property is shown as smaller than it actually is.)

Previous Actions: N/A

Concurrent Review: Conditional use permit, site plan review and variances as noted above.

Relevant zoning code sections:

- Parking lots serving institutional or public uses are a conditional use in the R2B District as indicated in Table 546-1.
- Principal parking facilities containing 10 or more new or additional parking spaces are subject to major site plan review as indicated in Table 530-1.

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- Setback/yard requirements are as indicated in Table 546-8.

Background: All God’s Children Metropolitan Community Church is located at the southwest corner of Park Avenue and East 31st Street. The church intends to construct a parking lot directly across the public alley from the church. The site in question is zoned R2B. Principal parking lots in the R2B District may serve only institutional and public uses in the R1 through R2B Districts. A conditional use permit and site plan review are required, as noted above. The applicant seeks variances to reduce required setbacks on three of the four sides of the lot.

Findings As Required By The Minneapolis Zoning Code for the Conditional Use Permit Application:

1. **Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The establishment of a parking lot on the currently vacant parcel should not prove detrimental to or endanger the public health, safety, comfort or general welfare provided the access points meet the traffic safety and control requirements of the Public Works Department.

2. **Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

Developing a parking lot on the parcel for use intermittently by an institutional use or uses should not be injurious to the use and development of adjacent *parcels so long as setback requirements are adhered to along the north, west, and south property lines*. Reducing required setbacks would diminish the residential character of the immediate vicinity, particularly if the landscaping and screening requirements of Chapter 530 of the zoning code are not strictly adhered to.

3. **Will have adequate utilities, access roads, drainage and/or other necessary facilities.**

The Public Works Department has reviewed the preliminary plan and will review the final plan for issues such as drainage and access. The applicant will incorporate discontinuous curbing at the west end of the proposed parking lot in order to allow for some on site retention and filtration of stormwater.

4. **Will take measures to minimize traffic congestion in the public streets.**

The applicant notes that the parking lot will help to relieve congestion on area streets during church services.

5. **Is consistent with the applicable policies of the comprehensive plan.**

Although allowing development of a parking lot that serves a real parking need for an institutional use or uses is generally consistent with the Minneapolis Plan, some of the proposed

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setbacks and relative lack of landscaping are not consistent with adopted city policies. Further, the development of a parking lot on the parcel removes (or at least postpones) the opportunity to develop housing on the site, which would help meet a critical shortage of affordable housing in the city of Minneapolis.

Relevant policies and implementation steps of the *Minneapolis Plan* include the following:

Relevant Policy: 9.8. Minneapolis will maintain and strengthen the character of the city's various residential areas.

Relevant Implementation Steps:

- Prohibit new driveways on block faces with alley access and where there are no existing driveways.
- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.

Staff comment: A curb cut would be moved on 31st Street. Appropriately, no new curb cut would be installed along Oakland Avenue. The applicant seeks variance to reduce required setbacks on three of the four sides of the lot, which does not respect the residential character of the vicinity.

Relevant Policy: 9.10. Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing the traditional neighborhood character.

Relevant Implementation Step: Require site plan review of new development or major additions to new structures (other than single family homes) on corner properties.

Staff comment: The site is a corner property. Thus, the standards of site plan review (below) are particularly important, as expressed in the above policy.

Relevant Policy: 9.12. Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Relevant Implementation Steps:

- Require the landscaping of parking lots.
- Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed use areas.
- Locate parking lots behind buildings or in the interior of the block to reduce the visual impact of the automobile in mixed use areas.

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Staff comment: The current landscaping plan does not meet the standards of site plan review, as noted below. The applicant is encouraged to share the parking lot with other institutions that have operating hours that differ from that of the applicant's services. Staff believes that the requested variances increase the visual impact of the parking lot, particularly given the relative lack of landscaping.

Relevant Policy: **9.15.** Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Relevant Implementation Steps:

- Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.
- Require screening and buffering for new developments next to residential areas.

Staff comment: The proposed plan does not meet the minimum 5-foot required setback along a portion of the adjacent residential property. According to the site plan, vehicles would maneuver four feet from the north wall and windows of the adjacent residential property. In addition, the landscaping and screening requirement would not be met between the parking lot and the adjacent residence.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p., site plan review and variances.

With approval of all association applications in this report, staff is unaware of any conflict between the existing plan and the regulations of the R2B District provided that the parking lot only serves an institutional use or uses.

Required Findings for Major Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Conformance with above requirements:

There is not a building proposed for the site in questions.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

Conformance with above requirements:

The applicant proposes walkways adjacent to the curb cut that would allow pedestrians to access the public sidewalk without competing with automobiles by walking through in the curb cut area.

There is not a transit shelter on the site.

Vehicular/pedestrian conflicts would be minimized to a large degree.

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The Public Works Department will determine whether alley access is allowed to the parking lot as proposed and what measures must be taken to ensure that users of the parking lot do not drive down the entire residential alley.

Snow would be accommodated in the open areas adjacent to the parking lot.

Impervious surfaces could be further minimized by reducing the length of the proposed parking spaces from 19 ft. to 18 ft. and by reducing the drive aisle from 24 ft. to 22 ft. and by complying with required setbacks. The applicant does propose a landscaped island in the parking lot.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

Conformance with above requirements:

The lot in question is 98 ft. by 119 ft., or 11,662 sq. ft. At least 20 percent of the site area—or 2,332 sq. ft.—must be landscaped. According to the applicant's calculations, approximately 2,800 sq. ft. would be

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landscaped under the applicant's proposal, which equals 24 percent of the site area. Note that large areas that are being counted toward landscaping do not include any shrubs or trees. The zoning code would require at least 11 trees on the site (not less than one per 1,000 sq. ft.), and 58 shrubs (not less than one per 200 sq. ft.). The applicant's current landscape plan shows three trees and 46 shrubs. The plan lacks specificity by indicating, for example, "Viburnum, Potentilla or similar."

Landscaped yards five feet in width and consistent with 531.150(b) and screening consistent with 531.150(c) are required along all four sides of the property. Staff recommends alternative compliance from the landscaping and screening requirements only along the public alley, which is immediately across from the church building and where landscaping would not make practical sense if the applicant is allowed to have parking spaces open directly to the public alley as proposed. Note that that this would require screening (e.g., a decorative fence at least 95 percent opaque and six feet in height) between the parking lot and the residence to the south.

Six inch by six inch concrete curbing would be installed around the off-street parking area. At the Planning Department's request (and consistent with this chapter), the applicant would provide discontinuous curbing along the west side of the parking lot in order to allow on-site retention and filtration of stormwater.

All areas not covered by buildings, walkways, driveways and parking and loading will be covered with turf.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Conformance with above requirements:

The applicant proposes two freestanding light posts near the interior of the site that would shed less than one half footcandle at the closest residential property line, which complies with Chapters 535 and 541 of the zoning code.

Staff is concerned that the lack of screening proposed for the site would result in vehicle headlights shining on residential properties. Screening three feet in height would substantially alleviate this concern along the north and west sides of the lot. Screening on the south side should be six feet in height.

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Views would not be blocked.

The proposed site plan will have no impact on shadowing of the public sidewalk and will have no impact on wind speed or direction in the vicinity.

From a crime prevention standpoint, the site would be lighted. More substantial landscaping at the edges of the lot, that would maintain visibility between three and six feet in height, would define the parking lot as private space (i.e., territorial reinforcement).

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE: The site is zoned R2B. Parking lots serving institutional and public uses only are a conditional use, as indicated in Table 546-1 of the zoning code.

Parking and Loading: The church is grandfathered from off-street parking requirements, as it was constructed prior to 1963 (when off-street parking requirements were first enacted). According to Zoning staff calculations, 47 parking spaces would be required if the church were constructed today. Note that Zoning staff had originally indicated that the applicant must obtain a variance to reduce the required number of off-street parking spaces. However, since the applicant is grandfathered from parking requirements and is actually *adding* parking, no such variance is required.

Signs: No signs are proposed with the exception, perhaps, of auxiliary signs, which are defined as: “A sign that has a purpose secondary to the use of the lot on which it is located, such as "telephone," "drive-through," "cash machine," "air," "entrance," "exit," parking restrictions, security warnings or similar directives.”

Maximum Floor Area: N/A

Yard Requirements: Required setbacks are as follows: Front: 20 ft.; Interior side (south): 5 ft.; Rear: 5 ft.; Corner Side: 8 ft. The applicant is requesting variances to reduce the required yards on all sides except the front.

Specific Development Standards: None.

Hours of Operation: None.

Dumpster screening: There would be no refuse storage containers on the site.

MINNEAPOLIS PLAN: For analysis of the project’s consistency with the Minneapolis Plan, please see the conditional use permit application above.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council:

Staff is not aware of a conflict between the proposed use and any development plan or objective adopted by the city council.

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

As indicated above, staff is recommending alternative compliance exceptions for the following aspects of the proposal:

- Staff recommends alternative from the five foot landscaping strip along the public alley.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Corner side yard setback: A parking lot could be constructed on the site within the regulations of the district. If property lines were adjusted to accurately reflect the size of the property, the

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applicant could obtain the nine spaces per row from north to south, as proposed, including two compact spaces.

Interior side yard setback along the south lot line: The applicant proposes a “turnout” from two parking spaces near the south property line. This is the area for which the applicant requests a variance. However, many parking lots are constructed without such turnouts. A drive aisle between 20 ft. and 24 ft. would provide sufficient area to maneuver a vehicle out of the two southernmost parking spaces.

Rear yard setback along the public alley: The depth of the lot, at 119 ft., is somewhat “shallower” than typical residential lots in the city. Although the applicant could use the lot as a parking lot without the variance, the particular depth of the parking lot would essentially prevent construction of three rows of parking and adequate drive aisles.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Corner side yard setback: The parcel is 89 ft. in width and is rectangular in shape. Reasonable use of the property does exist under the setback regulations. The applicant notes that the close proximity of several other religious institutions creates on-street parking congestion on Sunday mornings. Heavy use of the on-street parking supply is not necessarily a unique condition in the city of Minneapolis.

Interior side yard setback along the south lot line: The variance request is specifically to create greater ease in maneuvering out of the two southernmost parking spaces. There is nothing unique about the property that causes hardship for the applicant in a manner that would justify reducing the required south side setback, in Planning staff’s view.

Rear yard setback along the public alley: The depth of the lot is somewhat unique, as noted above. The platting of the lot was determined well in advance of the applicant’s interest in the party.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Corner side yard setback: Planning staff does not believe that reducing the required corner side yard setback is consistent with the intent of the ordinance. Doing so would increase the institutional/commercial presence in an otherwise residential intersection, particularly with no landscaping proposed between the parking lot and the sidewalk along 31st Street.

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Interior side yard setback along the south lot line: The variance would allow vehicles to maneuver *up to* the side property line of the residential property to the south of the proposed parking lot. The district regulations are intended to prevent this type of encroachment of activity up to a residential property line. According to the site plan, vehicles would maneuver four feet from the home on the adjacent property.

Rear yard setback along the public alley: Varying the rear yard setback, in the Planning Department's opinion, would not violate the intent of the ordinance given that the church abuts the alley directly on the other side of the area proposed for the variance. Further, the applicant could request an alley vacation, which would combine the lot in question with the church lot and would eliminate this required setback. Doing so, however, would require dedication of a new section of alley connecting the existing alley with Oakland Avenue. Nearby neighbors have made it clear that a new alley or driveway onto Oakland Avenue would not be supported.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Corner side yard setback: Granting the variance would not increase congestion on area streets, nor would it detrimental to public safety or welfare.

Interior side yard setback along the south lot line: Granting the variance would not increase congestion on area streets, nor would it detrimental to public safety or welfare.

Rear yard setback along the public alley: Staff is somewhat concerned about the proposal to have vehicles use the public alley for maneuvering. However, most of the lot would not have access to the alley, thereby reducing the amount of traffic that would otherwise use the alley. The Public Works Department will make a determination of the safety associated with the proposed use of the alley. Note that the staff alternative site plan would not make use of the public alley.

Recommendation of the City Planning Department for the Conditional Use Permit Application:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a parking lot serving an institutional or public use at 3103 Oakland Ave.

Recommendation of the City Planning Department for the Site Plan Review Application:

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The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a parking lot serving an institutional or public use at 3103 Oakland Ave. subject to the following conditions:

- 1) Based on the amount of site area, not fewer than eleven (11) trees and fifty eight (58) shrubs shall be planted on the site as required by section 530.150(a) of the zoning code based on the amount of site area.
- 2) The north, west, and south sides of the parking lot shall be landscaped and screened consistent with sections 530.150 and 530.160 of the zoning code. Screening six feet in height shall be provided between the parking lot and the residence to the south.
- 3) The Planning Department shall review and approve the final site and landscaping plans.
- 4) If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs by September 23, 2002, or the permit may be revoked for non-compliance.
- 5) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 8, 2003, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.

Recommendation of the City Planning Department for the Variance Application to Reduce the Corner Side Yard:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance application to reduce the required corner side yard setback along E. 31st St. from 8 ft. to 2 ft. for a parking lot.

Recommendation of the City Planning Department for the Variance Application to Reduce the Interior Side Yard:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance application to reduce the required interior side yard setback along the south lot line from 5 ft. to 0 ft. (for a distance of approximately 25 ft.) for a parking lot.

Recommendation of the City Planning Department for the Variance Application to Reduce the Rear Yard:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance application to reduce the required rear yard setback along the public alley from 5 ft. to 0 ft. for a parking lot

Additional supporting documents are available for viewing in the office of the City Clerk. For more information, please contact the Committee Coordinator.